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Michael D. Pearigen
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June 6, 2008

VIA HAND DELIVERY

Honorable James H. Fyke
Commissioner
Tennessee Department of Environment & Conservation
First Floor, L & C Annex
401 Church Street
Nashville, TN 37243-0435

**Re: *In the Matter of Knoxville Utilities Board Petition for Appeal of
Imposition of Terms and Conditions in NPDES Permit No. TN0061743
(East Bridge STP)***

Dear Commissioner Fyke:

On behalf of the Knoxville Utilities Board (KUB), we hereby file the enclosed original of KUB's Petition for Appeal in the above-referenced matter. Please be advised that KUB files this Petition as a protective appeal. KUB desires to negotiate a mutually-agreeable and amicable resolution of the issues set forth in the Petition. Accordingly, we request that this matter be deferred for hearing before the Water Quality Control Board, pending the outcome of further discussions between KUB and the Department.

Thank you for your attention to this matter.

Sincerely yours,



Michael D. Pearigen

Enclosures

cc w/encl: Mr. Paul E. Davis, DWPC Director
E. Joseph Sanders, Esq., TDEC General Counsel
Bill R. Elmore, P.E.
Hiram G. Tipton, Esq.
J. Michael Hayes, Esq.
Susan H. Richardson, Esq.

RECEIVED

JUN 06 2008

**ENVIRONMENT AND CONSERVATION
COMMISSIONER'S OFFICE**

**STATE OF TENNESSEE
WATER QUALITY CONTROL BOARD**

IN THE MATTER OF)	
KNOXVILLE UTILITIES BOARD,)	DOCKET NO. _____
)	
PETITIONER.)	
)	

**PETITION FOR APPEAL OF COMMISSIONER'S
IMPOSITION OF TERMS AND CONDITIONS
IN NPDES PERMIT NO. TN0061743 (EAST BRIDGE STP)**

INTRODUCTION

The Knoxville Utilities Board (hereinafter KUB) hereby files this Petition pursuant to T.C.A. § 69-3-105(i), § 69-3-110, and § 4-5-301, et seq. KUB is a municipally-chartered corporation duly created and existing under Tennessee law and incorporated by the Charter of the City of Knoxville.

KUB appeals the following terms and conditions of Tennessee Water Quality/NPDES Permit No. TNO061743 (the Permit) issued by the Tennessee Department of Environment & Conservation (TDEC) on April 30, 2008:

- The deletion of "Treatment Facility Failures" from the exceptions from civil or criminal penalties for noncompliance (Section 2.4.1, at page 15).
- The requirement to analyze wastewater treatment plant influent and effluent at least once during each reporting period for trivalent chromium and hexavalent chromium, in addition to the usual analysis for total chromium. (Section 2.3.d.ii, Table at page 19).

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JUN 06 2008

**ENVIRONMENT AND CONSERVATION
COMMISSIONER'S OFFICE**

KUB requests this matter be heard by the Tennessee Water Quality Control Board (hereinafter the Board), but that this matter be deferred for hearing pending the outcome of discussions between KUB and TDEC in an attempt to resolve the issues in controversy.

BACKGROUND

1. TDEC issued the Permit to KUB on April 30, 2008. KUB received the Permit on May 8, 2008. This Petition for Appeal has been timely filed.

2. The Permit authorizes the discharge of treated municipal wastewater from the East Bridge Sewage Treatment Plant (STP), which is owned and operated by KUB, to the Holston River at Mile 14.2.

3. On or about February 25, 2008, the Division issued a draft of State Water Quality/NPDES Permit No. TNO061743 to be reissued to KUB for the East Bridge STP.

4. By letter dated March 20, 2008, KUB identified concerns with and objections to the draft permit.

KUB's GROUNDS FOR APPEAL

5. As set forth more fully below, the Division imposed arbitrary and capricious permit terms and conditions which are the subject of this appeal and are identified in the introductory paragraph of this Petition.

6. In deciding KUB's appeal, the contested terms and conditions imposed "shall have no presumption of correctness before the board." T.C.A. § 69-3-105(i)(2).

7. As grounds for appeal of the Permit terms and conditions referenced above in the introductory paragraph of this Petition, KUB hereby restates and incorporates by reference the relevant comments and objections contained in Comment No. 5. and Comment No. 6. of its previously-referenced March 20, 2008 comment letter to the Division.

RELIEF REQUESTED

Petitioner KUB requests the following relief:

1. That the Board, following a hearing in this appeal, find the imposition of the herein-challenged terms and conditions by the Division to be arbitrary and capricious and modify the contested provisions of the Permit.

2. That KUB be afforded such other relief to which it may be entitled.

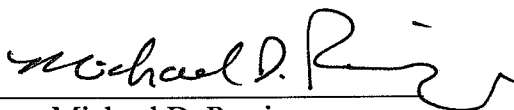
Petitioner reserves the right to amend this Petition at a later time.

Respectfully submitted,

OF COUNSEL:

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OF COUNSEL:
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J. Michael Haynes
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CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Petition for Appeal of Commissioner's Imposition of Terms and Conditions in NPDES Permit No. TNO061743 (East Bridge STP) was hand-delivered to:

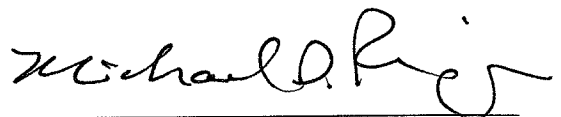
Hon. James H. Fyke
Commissioner
Tennessee Department of Environment & Conservation
1st Floor, L & C Annex
401 Church Street
Nashville, Tennessee 37243-0435

and that copies of the same were hand-delivered to:

Mr. Paul E. Davis
Director, Division of Water Pollution Control, and
Technical Secretary, Tennessee Water Quality Control Board
L & C Annex, 6th Floor
401 Church Street
Nashville, Tennessee 37243-1534

E. Joseph Sanders, Esq.
General Counsel
Tennessee Department of Environment & Conservation
L & C Tower, 20th Floor
401 Church Street
Nashville, Tennessee 37243-1548

on this the 6th day of June, 2008.

A handwritten signature in black ink, appearing to read "Michael D. Pearigen", written over a horizontal line.

Michael D. Pearigen